REMARKS

This Application has been carefully reviewed in light of the Final Office Action mailed June 29, 2009. At the time of the Office Action, Claims 39-62 were pending in this Application. Claims 39-62 were rejected. Claims 39 and 49 have been amended. Claims 1-38 were previously cancelled without prejudice. Applicants respectfully request reconsideration and favorable action in this case.

Rejections under 35 U.S.C. § 102

Claims 39-42, 44-52, and 54-62 stand rejected by the Examiner under 35 U.S.C. §102(e) as being anticipated by U.S. Patent Application Publication No. 2003/0193967 filed by Gregg Fenton et al. ("*Fenton*").

"A claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference." *Verdegaal Bros. v. Union Oil Co. of Cal.*, 814 F.2d 628, 631, 2 U.S.P.Q.2d 1051, 1053 (Fed. Cir. 1987). Furthermore, "the identical invention must be shown in as complete detail as is contained in the . . . claim." *Richardson v. Suzuki Motor Co. Ltd.*, 868 F.2d 1226, 1236, 9 U.S.P.Q.2d 1913, 1920 (Fed. Cir. 1989). Applicants respectfully submit that the cited art cannot anticipate the rejected Claims, because the cited art does not show all the elements of the present claims.

Applicants have amended independent Claims 39 and 49 and respectfully submit that *Fenton* does not anticipate the present claims. For example, *Fenton* does not teach at least the following features of amended independent Claim 39:

> wherein the message contains at least a first header field which includes a reference to a specific network element of the first message service provider, which was involved in processing the message, that may be specifically addressed by the second message service provider as a result of processing the message or a response to the message.

Specifically, *Fenton* does not teach a header field which includes a reference to *a specific network element*, which was involved in processing the message. Instead, *Fenton* discusses headers identifying the originating and destination *user agents*, e.g., at paragraphs [0053] and [0070]. The identifying an originating or destination user agent does not

reference a specific network element involved in processing the message. In contrast, the claimed reference to *a specific network element* enables direct access to that network element at a subsequent point in time to, for example, recall or update the message or message parameters or to complete the accounting for a reply chargeback. *See, e.g.*, Applicants' Specification at [0048], [0036] and [0040].

Further, *Fenton* does not teach a header field *that may be specifically addressed by the second message service provider as a result of processing the message or a response to the message*, as recited in amended Claim 39. In contrast, the various header elements disclosed *Fenton* merely identify a relay or server node that participated in the transfer of a given message between source and destination. Just because a node was involved in the transfer of a message, e.g., by relaying the message, does not indicate whether that node may be specifically addressed by the second message provider regarding processing of or a response to the message. This is because a relay node merely passes the message along much like a relay race involves passing a baton between runners and an electrical relay selectively passes a voltage or signal along to another portion of a circuit.

In the context of Figure 4 of Applicants' specification, the reference to a specific network element enables complex functionality across the MM4 interface, where two different service providers are involved in the processing of this complex function. For example, consider the implementation of reply-charging—wherein a reply by the recipient of a message is charged back to the original sender of the message—where both the original sender and the recipient share a service provider, e.g., SP. All transactions in this example are across the MM1 interface and/or within a system controlled by SP. SP can either make a note of the reply-charging request when it accepts the message or can read that information off of the reply message. Either way, SP simply accounts for the "cost" of the original message and the reply by accessing both user's accounts as needed. This accounting never involves the transfer of money between businesses; rather, it allows one customer of SP to transfer costs or allocated credits to another customer. Further, SP can build in safeguards so that it may trust that a reply-charging flag on the reply was not maliciously set by the recipient rather than the original sender.

In contrast, this system cannot support reply-charging where the original sender and the recipient have different service providers, which communicate via the MM4 interface. The MM4 interface presents a barrier to information and trust. SP A cannot and should not trust SP B or the policies employed by SP B. If it were to do so, then the occurrence of undiscovered fraud or errors would result in the transfer of money from SP A to SP B. Because the volume of messages sent between mobile phones is so great, this money could quickly accrue. Applicants invention addresses this problem wherein the original message is processed before leaving SP A. A server, e.g., MMS RL A2, inspects the original message, keeps a record of the original message, inserts its own address into the reference field, and hands the message off for delivery. SP A then transmits the original message through the MM4 interface to SP B for ultimate delivery to the recipient. If the recipient decides to reply, a relay server, MMS RO B, will send that reply back to a specific server, MMS RL A2 in this example, within SP A by reading the reference field.

As can be seen from this example, the return-path discussed by *Fenton* merely lists the entire set of network elements that passed along a message (e.g., MMS RO A and MMS RL A2). If SP B received a message flagged for reply-charging, it would not know to which of the two network elements the reply should be sent to handle the reply-charging function. Thus, *Fenton* fails to teach this limitation of amended Claim 39.

As another example, *Fenton* does not teach at least the following features of amended independent Claim 49:

> wherein the message contains at least a first header field which includes a reference to a specific network element of the first message service, which was involved in processing the message, that may be specifically addressed by the second message service provider as a result of processing the message or a response to the message.

For at least the same reasons as presented with regard to amended independent Claim 39, *Fenton* does not teach a header field which includes a reference to *a specific network element*, which was involved in processing the message. Further, *Fenton* does not teach a header field in which the reference *may be specifically addressed by the second message service provider as a result of processing the message or a response to the message.*

Therefore, Applicants respectfully request reconsideration and allowance of amended independent Claims 39 and 49; and Claims 38–48 and 50–62, which depend from Claims 39 and 49, respectively.

Rejections under 35 U.S.C. § 103

Claims 43 and 53 were rejected by the Examiner under 35 U.S.C. § 103(a) as being unpatentable over *Fenton* in view of RFC 22 Standard for the Format of ARPA Internet Text Messages ("*RFC 822*"). Amended independent claims 39 and 49 (from which claims 43 and 53 depend) are patentably distinct over *Fenton* as shown above. Accordingly, because *RFC 822* does not teach the claim limitations missing from *Fenton*, dependent Claims 43 and 53 are also patentably distinct over the proposed combination of *Fenton* and *RFC 822*.

Therefore, Applicants respectfully request reconsideration and allowance of dependent Claims 43 and 53, which depend from amended independent Claims 39 and 49, respectively.

Request for Continued Examination (RCE)

Applicants respectfully submit a Request for Continued Examination (RCE) Transmittal, along with a Petition for Extension of Time. The Commissioner is authorized to charge any fees required to Deposit Account 50-2148 in order to effectuate these filings.

CONCLUSION

Applicants have made an earnest effort to place this case in condition for allowance in light of the remarks set forth above. Applicants respectfully request reconsideration of the pending claims.

Applicants respectfully submit a Petition for a One Month Extension of Time. The Commissioner is authorized to charge the fee of $130 to Deposit Account No. 50-4871 of King & Spalding LLP in order to effectuate this filing. Applicants believe no other fees are due; however, should the Commissioner deem that any additional fees are due, including any fees for any additional extensions of time, the Commissioner is hereby authorized to debit said fees from deposit account number 50-4871.

If there are any matters concerning this Application that may be cleared up in a telephone conversation, please contact Applicants' attorney at 512.457-2031.

Respectfully submitted,
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